

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OSCAR RESTREPO and MARIA §
MARTINEZ, as Next Friends of JANE §
DOE, an Incapacitated Person, §
§
Plaintiffs, §
§
v. §
§
DALLAS AREA RAPID TRANSIT; §
MV TRANSPORTATION, INC.; and §
SAMSON ASSEFA LEMMA, §
§
Defendants. §

CIVIL ACTION NO. 3:24-cv-01276

**DEFENDANT MV TRANSPORTATION, INC'S MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW MV Transportation, Inc. (MVT), Defendant in the above-caption and numbered cause, and files this Motion to Dismiss Plaintiffs' Second Amended Complaint (ECF No. 55) pursuant to Fed. R. Civ. P. 12(b)(6). In support of same, Defendant would respectfully show the Court the following:

For the reasons set forth in MVT's accompanying brief, Plaintiffs' claims against MVT should be dismissed because the Second Amended Complaint fails to state a claim against MVT upon which relief can be granted even if the facts alleged are taken as true. Therefore, MVT asks this Court to dismiss MVT from this cause with prejudice.

Respectfully submitted,

COOPER & SCULLY, PC

/s/ David M. Strachan

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2025, a true and correct copy of the foregoing document was served on all counsel of record by electronic court filing:

/s/ David M. Strachan

DAVID M. STRACHAN